

**Town of Milton**  
**Town Council Meeting Minutes**  
**July 5, 2005**

**PUBLIC HEARING:**

A.) An application from Charles Turner, Jr. for the annexation and zoning\* of Sussex County Tax Map 2-35-14.00 Parcel 84.00 located on Lavinia Street

Mark Dunkle of Parkowski, Guerke Law Firm was present on behalf of the application. It is a 6.24 acre parcel. They are requesting R-3 zoning and proposing to build twin units/condos. This property currently abuts the Town on two (2) sides. It is the “center” of town in relation to future growth.

Councilman Post noted that 1.5% is way too low; he has concerns regarding impact fees.

Janet Turner asked questions regarding environmental protection. Several others also asked questions.

B.) An application from Mildred Giovannozi for the annexation and zoning\* of Sussex County Tax Map 2-35-14.11 Parcel 14.00 located at 14242 Union Street

Myra Mitchell of Harrington Realty and Mike Dill of ESP were present on behalf of the application. They noted that they are now requesting R-2 zoning; Planning & Zoning denied R-3.

Councilman Post stated that single family would be (and look) better. This doesn't look good for the community.

C.) An application from Frank Hunnicutt for the annexation and zoning\* of Sussex County Tax Map 2-35-14.15 Parcel 3.00 located at 202 Milton-Ellendale Highway

Frank Hunnicutt was present on behalf of the application. He reported that the septic is failing at his property so he is requesting annexation. He should have done this a long time ago because he has always considered his property to be in Milton and himself from Milton...

**OPEN FLOOR (7:15 p.m.):**

- A.) Marianne Lester of 311 Mill Street: concerns regarding proposed annexations for 600 acres (3000 homes), sewer plant financing, impact fees, commercial hub threatens downtown, many public hearing necessary or place it before the voters for a referendum.
- B.) Ginny Weeks of 727 Chestnut Street/119 Clifton Street: concerns regarding the alleyways.
- C.) Anne Yarbrough of 204 Federal Street: gave a report that the Historical Society has received a \$80,000 grant from the Longwood Foundation and \$25,000 from a welfare grant.
- D.) Cynthia Gaster owner of 603 South Spinnaker Lane: concerns regarding the Shipbuilders Village flooding issues which have been on-going for 1 ½ years.

- E.) Deborah Spellman owner of 605 South Spinnaker Lane: reiterated Ms. Gaster's concerns regarding flooding issues in Shipbuilders Village and asked that no additional Certificates of Occupancy be issued until resolved.
- F.) Ed Harris of 305 Behringer Avenue: thanked Council for the stop signs that were installed at Behringer and Chandler and thanked the P.D. for patrolling. He thanked the Garden Club. He also voiced questions regarding the "Business Park" and reiterated Marianne Lester's concerns. He also noted that "a group of us are keeping an eye on everything that Council does to make sure it's done the right way".
- G.) Norman Lester of 311 Union Street: concerns regarding how the Town goes about its business. The Public Integrity Commission would like to come to a meeting and is just waiting for an invitation. The Charter needs to be re-evaluated and changed. Eric needs to be given clear direction as to what he can and can't do and what is expected of him.

Councilwoman Betts offered a moment of silence at 8:00 p.m., followed by the Pledge of Allegiance to the Flag.

Mayor Bushey called the roll.

PRESENT: Mayor John Bushey  
Councilwoman Leah Betts  
Councilman Gene Dvornick  
Councilwoman Ronda Melson  
Councilman Don Post  
Councilman Noble Prettyman

ABSENT: Councilman Jerry Hudson (sick)

Others Present: Hal Godwin, Town Manager  
Eric Evans, Code Enforcer  
Dawn Johnson, Administrative Assistant  
Corporal Harvey, Officer in Charge  
Tim Willard, Town Attorney

#### **Presentation and Approval of Minutes**

Councilman Dvornick made a ***motion*** to accept the minutes of the May 31, 2005 regular meeting, seconded by Councilman Prettyman.

Motion carried – "Aye"

Councilman Prettyman made a ***motion*** to accept the minutes of the June 6, 2005 regular meeting, seconded by Councilwoman Melson.

Motion carried – "Aye"

## **Committee Reports**

Sewer & Water – Councilman Melson reported that the Committee met and discussed the issues at Shipbuilders Village and will report when we get to that item on the agenda.

Streets & Sidewalks – Councilwoman Betts reported that a meeting will be scheduled within the next week. The curb cuts are being re-bid. The trees on Front Street have been planted.

Personnel/Pension – Councilwoman Melson reported that there are several re-written sections of the Handbook on the agenda for later this evening. The ballot for the Employee of the Quarter will be given out with the next paychecks.

Parks & Recreation – Councilman Post reported that the Committee is focusing on grants.

Economic Development – Councilman Post reported that the Committee intends for a survey to go out over the summer regarding the quality of life and economic needs for the Town Center.

Planning & Zoning – No report.

Board of Adjustment – Mr. Collier reported that the BOA heard 3 applications at their last meeting.

Milton Development Corporation – Councilwoman Betts reported that the Canoe and Kayak Race will be held in August.

Finance/Risk Management – Councilman Dvornick reported that the Committee met in June and went over the expense report, moving money from the general fund to a money market, and budget review (expenses).

200<sup>th</sup> Anniversary – No report.

Police Building – Councilwoman Betts reported that the Committee will meet July 14 at 5 p.m.

Land Acquisition – No report.

## **Written Reports**

### Maintenance Report

Councilwoman Melson made a **motion**, seconded by Councilman Prettyman to approve the report from the Maintenance Department.

Motion carried – “Aye”

#### Code Enforcer Report

Councilman Prettyman made a **motion**, seconded by Councilman Dvornick, to approve the Code Enforcer's Report as written.

Motion carried – “Aye”

#### Police Department Report

Councilwoman Melson made a **motion** to accept and approve both May and June Police Department reports, seconded by Councilwoman Betts.

Motion carried – “Aye”

#### Town Manager Report

Councilman Dvornick made a **motion** to approve the Town Manager's report, seconded by Councilman Prettyman.

Motion carried – “Aye”

#### **Correspondence**

Councilwoman Melson read letters from:

- Barbara Stellar: expressing concerns for her safety at 115 Tilney Street
- Joan Martin-Brown: regarding noise/hours of construction
- M/M Allen White: objecting to Giovannozi annexation request
- M/M Clyde Tuggle: objecting to annexations from Tuner, Giovannozi & Hunnicutt
- Sussex Conservation District: re: drainage problems/solution at Shipbuilders Village
- Tom Hudechek: requesting approval for a well for irrigation of the common areas of Chestnut Crossing
- Chesapeake Utilities: re: furthering discussion of franchise agreement
- James Hajek: re: small piece of property where Town's lamppost is located belongs to him (312 Federal Street)

#### **Old Business**

##### Merriweather – Final Site Plan Change

Duke Ronzetti was present on behalf of the final site plan.

Councilman Prettyman made a **motion** to accept the changes with the curb going around the pole, seconded by Councilwoman Melson.

Motion carried – “Aye”

Councilman Post noted that this is a 2.86 acre parcel zoned R-1.

Shipbuilders Village – Stormwater and Certificates of Occupancy

Councilman Prettyman recommended and made a motion that the Town still hold the Certificates of Occupancy until they “get it together”. Councilwoman Betts seconded the motion.

John Flaherty of Gemcraft Homes and Michael Connor of Christiana Excavating were present. They stated that they are committed to resolving the problems in Shipbuilders Village and asked that the Certificates of Occupancy be issued.

Councilman Prettyman stated that everybody is passing the buck, but the buck stops here.

The question was called on the motion.

Motion carried – “Aye”

Hours of Construction

There was general discussion among Council regarding the hours of construction. No consensus was reached, so this was tabled until later in the meeting.

**New Business**

Consideration of Resolution Regarding Annexation and Zoning\* of Turner Property

Tabled until later in the meeting due to lack of action.

Consideration of Resolution Regarding Annexation and Zoning\* of Giovannozi Property

Councilman Post made a **motion** that Council not accept this resolution for zoning, seconded by Councilman Dvornick.

There was discussion regarding the motion.

Councilman Post and Councilman Dvornick withdrew their motion and second.

Councilman Dvornick made a **motion** to table this annexation and request if the owner is interested in R-1 zoning, seconded by Councilwoman Betts.

Motion carried – “Aye”

Consideration of Resolution Regarding Annexation and Zoning\* of Hunnicutt Property

Councilman Dvornick read the resolution.

Councilman Post made a **motion**, seconded by Councilman Prettyman to approve the resolution and grant the annexation based on hardship.

Motion carried – “Aye”

Request from Chestnut Crossing for Irrigation for Common Areas

Tom Hudechek was present on behalf of this request.

Councilman Prettyman made a **motion** to approve this request. Councilman Dvornick seconded the motion.

Councilman Post suggested if we permit these types of wells, we should re-do the ordinances. Mr. Evans noted that he thinks it is better that Council hears each request, then the Town has a better idea of where the wells are, etc.

The question was called on the motion.

Motion carried – “Aye”

Proposed 501©3 Application for Economic Development

Councilman Post reported on the advantages of the 501c3 status. This issue will be investigated further and any necessary forms and paperwork filled out.

Councilman Dvornick made a **motion** to file any non-profit forms so donations can be accepted, seconded by Councilman Betts.

Motion carried – “Aye”

New Organizational Chart for Employee Handbook and Charter

Councilman Dvornick made a **motion** to accept the revised town flow chart, seconded by Councilman Prettyman.

Motion carried – “Aye”

New Welcoming Statement

Councilman Dvornick made a **motion** to accept, seconded by Councilwoman Betts.

Motion carried – “Aye”

New Mission and Vision Statement

Councilman Dvornick made a **motion** to table this and rework it. Councilwoman Melson seconded the motion.

Motion carried – “Aye”

Exit Interview Procedure and Form

Councilman Dvornick made a **motion** to accept the exit interview procedure and form, seconded by Councilman Post.

Motion carried – “Aye”

Amendment to Police I-6 “Leave”

**Motion** was made by Councilman Dvornick and seconded by Councilwoman Melson to approve the leave policy as written and presented.

Motion carried – “Aye”

Amendment to Policy I-12 “Workplace Safety”

Councilman Dvornick made a **motion** to approve the change. Councilman Prettyman seconded the motion.

Motion carried – “Aye”

Amendment to Policy II-6 “Employee Complaint Procedure” and Form

Councilman Dvornick made a **motion** to accept the procedure, seconded by Councilman Post.

Motion carried – “Aye”

Receipt of Annexation Application from James Parker for Sussex County Tax Map 2-35-14.11 Parcels 57.00, 58.00 and 60.00

Councilman Dvornick made a **motion** to refer this annexation application to Planning & Zoning. Councilman Prettyman seconded the motion.

Motion carried – “Aye”

Receipt of Annexation Application from Sue Raley for Sussex County Tax Map 2-35-14.16 Parcel 4.00

Councilman Prettyman made a **motion** to refer the application to Planning & Zoning, seconded by Councilwoman Melson.

Motion carried – “Aye”

Receipt of Annexation Application from North Milton Development Group for Sussex County Tax Map

2-35-14.00 Parcels 4.00 and 6.00

Receipt of Annexation Application from Wayne and Bonnie Hudson for Sussex County Tax Map 2-35-14.00 Parcels 1.00, 2.00, 3.00 and 60.00

Receipt of Annexation Application from 1630 Ventures for Sussex County Tax Map 2-35-14.00 Parcel 77.00

Council noted that before accepting this request and sending it to Planning & Zoning, Town Council has questions.

Council agreed to hold a special meeting on Thursday, August 4, 2005 at 7:00 p.m. at the Fire Hall. It will be put in newspapers and put as a note on the utility bill.

Consideration of Resolution Regarding Annexation and Zoning\* of Turner Property  
Councilwoman Melson made a **motion** to defer this agenda item until next month because there are questions regarding questions about R-3 zoning, displacement of the residents, and dedication of the streets, seconded by Councilwoman Betts.

After considerable further discussion, Councilwomen Betts and Melson withdrew their motion and second.

Councilwoman Betts made a **motion** to accept the annexation resolution, seconded by Councilwoman Melson.

Councilman Post noted that 1.5% is not enough for this Town to build a future on. It is too low and should be looked at every year.

The question was called on the motion.

Motion carried – “Aye”

#### Hours of Construction

This item was tabled until August.

#### **Any Other Business**

##### Public Integrity Commission

Council agreed to invite the Public Integrity Commission to attend the August 1 Council Meeting.

Councilman Prettyman voiced concerns regarding the Police Department and the safety of the citizens. He stated that after midnight the Town is not covered. There is a safety issue. If the Police Department needs the State to help cover, so be it. He knows we have lost several officers. We have a seasonal who doesn't walk around; he's not really doing anything. We need to have the Town covered. A lot of women are out walking at 5 or 6 a.m. and there are no officers on duty. The Council needs to stop and look because the barn door is open. What will it take; a homicide to get this taken care of? He is not pleased with the way the Police Department is at this time.

Mayor Bushey stated that there have been meetings with the Chief and Personnel, etc. regarding those issues and hiring and keeping officers on staff. The Town has requested (due to manpower shortage) that the State cover between midnight and noon the next day. Town officers are covering 8 hours a day. Mayor Bushey shares Councilman Prettyman's concerns. We are trying to get our personnel up to full staff and how do we keep them? If it is money, then we need to appropriate the money.

Councilman Prettyman stated that we need to look at the best way to protect the citizens of this Town. Council should be the ones taking an interest in protecting the citizens 24-hours a day. He doesn't know if it is money, a personality conflict, but there is



something going on and we need to take it very seriously. It has been talked about and talked about and no progress is being made. WE need to start closing those barn doors.

Mayor Bushey noted that Chief Phillips was authorized to hire three (3) people and get them in the next training academy. Chief is also looking for certified officers. Someone from the audience noted that if we get their salaries up, maybe they'll stick around for a while. Mayor Bushey noted that has also been talked about along with the benefit package.

**Executive Session**

Councilwoman Melson made a ***motion*** to go into executive session, seconded by Councilwoman Betts.

Motion carried – “Aye”

Council went into executive session at 9:50 p.m.

Respectfully submitted,

Dawn Johnson  
Administrative Assistant

:7/19/05